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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,328	03/05/2002	Jeffrey L. Huckins	ITL.0707US (P13781)	7151
21906 7590 04/17/2007 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER LY, ANH VU H	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/17/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/091,328

Applicant(s)

HUCKINS ET AL.

Examiner

Anh-Vu H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12, 15 and 17-23 is/are rejected.
- 7) ☒ Claim(s) 2-11, 14, 16, 17 and 21-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. This communication is in response to applicant's amendment filed December 29, 2006. Claims 1-12 and 14-23 are pending.

### *Claim Objections*

2. Claims 2-11, 14, 16-17, and 21-23 are objected to because of the following informalities:

With respect to claim 2, in line 1, insert --further--before "including". In line 1, replace "an add-in card" with --the add-in card-- since the card already recited in line 2 of claim 1.

With respect to claim 3, in line 1, insert --further--before "including". In line 1, replace "an add-in card" with --the add-in card-- since the card already recited in line 2 of claim 1.

Further, in line 1, "said platform" lacks antecedent basis.

With respect to claims 4, 6, 8-11, and 16, in line 1, insert --further--before "including".

With respect to claim 5, in line 1, insert --further--before "including". In line 2, replace "an add-in card" with --the add-in card-- since the card already recited in line 2 of claim 1.

With respect to claim 7, in line 4, "the wireless wake packet filtering function" lacks antecedent basis.

With respect to claim 14, in line 1, insert --further--before "including". In line 2, replace "an add-in card" with --the add-in card-- since the card already recited in line 5 of claim 12. In lines 3-4, "said integrated medium access control" lacks antecedent basis. Further, in lines 5-6, "the integrated component" lacks antecedent basis.

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With respect to claim 17, in line 1, replace “a medium storing instructions that enables a processor-based system” with --a computer readable medium storing computer executable instructions to be executed by a computer--.

With respect to claim 21, in line 1, the limitation “connectable” is not a positive limitation but only requires the ability to so perform. Therefore, it does not limit a claim to a particular structure and does not limit the scope of a claim or claim limitation.

With respect to claims 22 and 23, in line 1, insert “wherein” before “said card”.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-10, 12, 15, and 17-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Knox et al (US 2003/0097398 A1). Hereinafter, referred to as Knox.

With respect to claim 1, Knox discloses a method comprising:

providing an add-in card without a medium access control to implement wireless communications (Fig. 2, adapter 137. Herein, the adapter 137 is without medium access control because the system 30 would not have to be awoken when the adapter 137 analyzes the wake-up

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frame unless it is determined that the frame contains the MAC address, then the wakeup control function on the portable computer motherboard signals the power supply to turn the client on, as disclosed in page 3, 33<sup>rd</sup> paragraph); and

enabling said add-in card to provide wake packet filtering (page 3, 33<sup>rd</sup> paragraph, on receipt of a wake-up frame from attached sever 30 via the satellite data link, the adapter 137 analyzes it to determine whether the frame contains the portable computer's media access control address).

With respect to claims 2 and 10, Knox discloses enabling the add-in card to filter incoming wake packets, to determine whether it is necessary to awake a host platform and to provide an appropriate signal to wake the host platform (page 3, 33<sup>rd</sup> paragraph and Fig. 2).

With respect to claim 3, Knox discloses coupling the add-in card to a platform (Fig. 2, adaptor 137 coupled to system 30).

With respect to claim 4, Knox discloses enabling the platform to implement wireless medium access control (Fig. 1, client 30 implements wireless medium access control with server 20).

With respect to claims 6, 9, and 18, Knox discloses providing a physical layer for wireless communications in the add-in card (Fig. 2, adaptor 137 includes physical layer for wireless transmission over link 50).

With respect to claim 7, Knox discloses a method comprising:  
providing a wireless capability on a platform including a medium access control (Fig. 1, client 30 having medium access control to server 20); and  
removing a wireless wake packet filtering function from the medium access control (Fig. 1, NIC 38 performs wake packet filtering function).

With respect to claim 8, Knox discloses providing an add-in card which includes wake packet filtering function (Fig. 1, NIC 38).

With respect to claim 12, Knox discloses a processor-based system (Fig. 2, portable computer 30) comprising:

a processor (Fig. 2 CPU 133);  
a medium access control to enable wireless communications, said medium access control not including a wake packet filtering function (Fig. 2, CPU 133); and  
an add-in card coupled to the system, the add-in card including a physical layer to provide wireless communications, the add-in card also including a wake packet filtering function (page 3, 33<sup>rd</sup> paragraph and Fig. 2, adaptor 137).

With respect to claim 15, Knox discloses a processor-based system (Fig. 2, portable computer 30) comprising:

a processor (Fig. 2 CPU 133);  
a medium access control (Fig. 2, CPU 133);

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a bus coupled to said processor (Fig. 2, bus connecting CPU 133, RAM 134, ROM 135, adaptor 137, MSS 136, and CD-ROM 138); and

an add-in card coupled to the bus, the add-in card including a physical layer to implement wireless communications, the add-in card including a wake packet filter (page 3, 33<sup>rd</sup> paragraph and Fig. 2, adaptor 137).

With respect to claim 17, Knox discloses an article comprising a computer readable medium storing computer executable instructions to be executed by computer to:

receive a wireless communication packet (page 3, 33<sup>rd</sup> paragraph, on receipt of a wake-up frame from the attached server 30 via satellite data link); filter said packet to determine whether or not it is necessary to wake a platform coupled to the system (page 3, 33<sup>rd</sup> paragraph, the adaptor 137 analyzes it to determine whether the frame contains the portable computer's media access control address); and if said packet is one which necessitates waking the platform, provide a signal from the system to the platform to wake said platform (page 3, 33<sup>rd</sup> paragraph, if the frame contains the MAC address, the wakeup control function on the portable computer motherboard signals the power supply to turn the client on. Herein, the system is the adaptor 137 and the client is the platform 30).

With respect to claim 19, Knox discloses avoiding unnecessarily awakening the platform coupled to the system so as to reduce power consumption of the platform (page 3, 33<sup>rd</sup> paragraph, herein, if the frame does not contain the MAC address, no signal is provided to turn the client on).

With respect to claim 20, Knox discloses implementing wake packet filtering in the system not having a medium access control (Fig 2, adaptor 137 has no medium access control).

With respect to claim 21, Knox discloses an add-in card connectable to a processor-based system (Fig. 1, NIC 38), said card comprising:

a physical layer to provide wireless communications (page 2, 22<sup>nd</sup> paragraph, server computer system 20 communicates through a wireless link 50 and an NIC 38 with client portable computer system 30).

a wake packet filtering function (page 3, 33<sup>rd</sup> paragraph).

With respect to claim 22, Knox discloses that wherein said card to operate through a mating manager on the processor-based system (Fig. 2, CPU 133) to provide an external wake packet filtering function (Fig. 2, adaptor 137).

With respect to claim 23, Knox discloses that wherein said card including an identifier (Fig. 2, adaptor 137 must include an identifier) and a device to provide the identifier to the processor-based system (Fig. 2, bus transfers identifier of the adaptor 137).



***Allowable Subject Matter***

4. Claims 5, 11, 14, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-12 and 14-23 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mills et al (US Patent No. 6,795,450 B1) discloses method and apparatus for supporting physical layer link-suspend operation between network nodes.

Novoa et al (US Patent No. 6,493,824 B1) discloses secure system for remotely waking a computer in a power-down state.

Garrett et al (US Patent No. 6,047,378) discloses wake multiple over LAN.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be 'S. Lee', with a long horizontal line extending to the right.

avl